TABLE 47.11—DEFINITIONS—Continued

Term	Definition for purposes of HazCom
	(9) *Water-reactive:* A chemical that reacts with water to release a gas that is either flammable or a health hazard.
Produce	To manufacture, process, formulate, generate, or repackage.
Raw material	Ore, valuable minerals, worthless material or gangue, overburden, or a combination of these, that is removed from natural deposits by mining or is upgraded through milling.
Trade secret	Any confidential formula, pattern, process, device, information, or compilation of information that is used by the operator and that gives the operator an opportunity to obtain an advantage over competitors who do not know about it or use it.
Use	To package, handle, react, or transfer.
Work area	Any place in or about a mine where a miner works.

[67 FR 42383, June 21, 2002; 67 FR 57635, Sept. 11, 2002]

Subpart C—Hazard Determination

§47.21 Identifying hazardous chemicals.

The operator must evaluate each chemical brought on mine property and each chemical produced on mine property to determine if it is hazardous as specified in Table 47.21 as follows:

TABLE 47.21—IDENTIFYING HAZARDOUS CHEMICALS

Category	Basis for determining if a chemical is hazardous
(a) Chemical brought to the mine	The chemical is hazardous when its MSDS or container label indicates it is a physical or health hazard; or the operator may choose to evaluate the chemical using the criteria in paragraphs (b) and (c) of this table.
(b) Chemical produced at the mine	The chemical is hazardous if any one of the following that it is a hazard: (1) Available evidence concerning its physical or health hazards. (2) MSHA standards in 30 CFR chapter I. (3) Occupational Safety and Health Administration (OSHA), 29 CFR part 1910, subpart Z, *Toxic and Hazardous Substances.* (4) American Conference of Governmental Industrial Hygienists (ACGIH), *Threshold Limit Values and Biological Exposure Indices* (2001). (5) U.S. Department of Health and Human Services, National Toxicology Program (NTP), *Ninth Annual Report on Carcinogens,* January 2001. (6) International Agency for Research on Cancer (IARC), Monographs and related supplements, Volumes 1 through 77.
(c) Mixture produced at the mine	(1) If a mixture has been tested as a whole to determine its hazards, use the results of that testing. (2) If a mixture has not been tested as a whole to determine its hazards— (i) Use available, scientifically valid evidence to determine its physical hazard potential; (ii) Assume that it presents the same health hazard as a non-carcinogenic component that makes up 1% or more (by weight or volume) of the mixture; and (iii) Assume that it presents a carcinogenic health hazard if a component considered carcinogenic by NTP or IARC makes up 0.1% or more (by weight or volume) of the mixture. (3) If evidence indicates that a component could be released from a mixture in a concentration that could present a health risk to miners, assume that the mixture presents the same hazard.

Subpart D—HazCom Program

§47.31 Requirement for a HazCom program.

Each operator must—

(a) Develop and implement a written HazCom program,

(b) Maintain it for as long as a hazardous chemical is known to be at the mine, and

(c) Share relevant HazCom information with other on-site operators whose miners can be affected.